

**TOWN OF GREENFIELD**  
**PLANNING BOARD**

**February 25, 2020**

**REGULAR MEETING**

A regular meeting of the Town of Greenfield Planning Board is called to order by Tonya Yasenchak at 7:06 p.m. On roll call, the following members are present: Tonya Yasenchak, Karla Conway, Charlie Dake, Mike Gyarmathy, Robert Roeckle, Nick Querques, and Joe Sabanos, alternate. Butch Duffney is absent. Joe Sabanos has full voting privileges for the entirety of the meeting. Mike Waldron, Code Enforcement Officer, and Charlie Baker, Town Engineer, are present.

**MINUTES**

Minutes- February 11, 2020

February 11, 2020

The minutes will be reviewed at the next meeting.

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**OLD BUSINESS**

Lally, A. & L. Case #611  
TM# 126.-1-20.111

Ure Way  
Minor Subdivision

Andrew & Leigh Lally are present. T. Yasenchak states that this case is for Open Development subdivision on Ure Way. This is a subdivision on a private road. Being that one of the lots was not going to have frontage on a public road it was designated as Open Development. Doing that it had to go in front of the ZBA for a Zoning Variance because it did not have any frontage. The applicants also had to go in front of the Town Board for Open Development. She asks if the additional items are on the maps. A. Lally states yes. T. Yasenchak states when it was in front of the Board last time they asked for a stamped letter from the applicant's engineer, which was provided back in 2018. T. Yasenchak states that it is in the Board's purview to waive the public hearing for a major or minor subdivision. This project did have a public hearing for the Zoning Variance, because it was required, as well at the Town Board level because it was required. She asks the Board how they feel about waiving the public hearing. The Board agrees not to have public hearing.

**Resolution- Andrew and Leigh Lally, SEQRA**

MOTION : Roeckle

SECOND: Conway

RESOLVED, that the Planning Board completes Part II of the Short Form SEQRA. All questions answered "no" and the second box is checked, indicating that this will not result in any significant negative environmental impacts for the Minor Subdivision of Andrew and Leigh Lally for property located at 50 Ure Way, TM# 126.-1-20.111.

**VOTE:** Ayes: Conway, Dake, Gyarmathy, Sabanos, Roeckle, Querques, and Yasenchak  
 Noes: None  
 Absent: None  
 Abstain: Duffney

**Resolution Andrew and Leigh Lally, Minor Subdivision**

MOTION: Roeckle  
 SECOND: Dake

RESOLVED, that the Town of Greenfield Planning Board hereby grants a Minor Subdivision to Andrew and Leigh Lally for property located at 50 Ure Way, TM# 126.-1-20.111. The Board reviewed SEQRA and waives the public hearing.

**VOTE:** Ayes: Conway, Dake, Gyarmathy, Sabanos, Roeckle, Querques, and Yasenchak  
 Noes: None  
 Absent: None  
 Abstain: Duffney

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 Northeast Surgical Case #628  
 TM# 153.13-1-34

458 Maple Ave.  
 Site Plan Review

T. Yasenchak recuses herself. Robert Roeckle is chair-person for this project. George Yasenchak and James Condy are present. G. Yasenchak provides a modified site plan with the lighting and the location of the lighting. He states that he has included a narrative. The driveway was on the south side of the property initially. After submitting items to (DOT) they had to move the driveway 32' to the north. The reason for this is that DOT preferred that the driveway be within the property line. The driveway doesn't come straight in it has a little curve. The Board can see the preliminary approval. They have received an email for a conceptual Permit 33 State from NYS DOT for approval. The States application is being prepared and will be submitted to DOT and to the Town once they get concept approval and start to move on toward final approval. The water supply was another item that C. Baker brought up. If the Board looks at the site plan, the well is moved to the extreme North West corner of the property. There are lines on the site plan showing where the 150' is from the well. The well has not been dug and C. Baker pointed out as the applicants go through this process things may change. They are anticipating it will be 50' or less. Since this will be a doctor's office it will have to be treated and it will be part of the process of getting a building permit as far as what kind of treatment they will be using. Right now they are anticipating using an ultra-violate system. An application will be made to NYS DOH for a public water system upon installation of the well and to have the water tested. As the Board is probably aware once they have the well dug and get it tested, even if the water is really good, the DOH will require that the applicants will have 2 years for treatment before they can do away with it. Again, that will all be with the building permit process. Waste water system is an eco-pod system by Delta. The applicants show the location of the tanks on the plans. They are on the north side to the left of the building. It will have a infiltrator drainage system located under porous pavement. They have been working with Delta to get this system together. In addition, they have talked to DEC about it and this is something that DEC states they have seen, has been used, and used under porous pavement in NYS. This is not the final design. They are antisipating 150 gallons per day flow to this system and that will require a SPDES permit from DEC. They will be working with DEC to make sure this system will be approved. One of the things about this system is that the water coming out of it meets or exceeds NYS requirements, not

for sanitary water, for good water. When it is put in the ground they are basically putting water in the ground. As they get DEC permits and approvals they will be presenting them to the Board. The applicants will be using permeable asphalt. One of the items C. Baker brought up was combining storm water and sanitary. Since the water coming in out of the eco-pod system, DEC won't consider it as sanitary water. The Board will see the results as the applicants move forward. They have located the neighbor's wells on their properties and there is a line (on the plans). On the east side it indicates that it is 150' away from the applicants sanitary system. There are 3 wells 1 to the property to the north and 2 to the property on the south all 3 are outside of the 150' radius. There will be storm water coming off the roof of the building that will be picked up in gutters. On the east side in front of the building there will be retention vegetation to take care of the storm water that will be coming off the roof. They also understand that they will be disturbing over an acre of property and a full SWPPP is being worked on and will be provided to the Board. The map that he provided tonight shows lighting. Every place they have a light they have 3 trees blocking the light from the back flow to the neighboring properties. The lights that are being proposed are going to be cut off lights and are dark sky certified. Additional site details for pavement, and specific landscaping will come on a landscaping plan for the Board. G. Yasenchak states that what the applicants are looking for is not necessarily concept approval from the Board. He does realize that the Town of Greenfield has a very involved public with projects, especially projects that are ambitious. What the applicants would like from the Board is to schedule a public hearing so they can get the public involved. They don't want to get into the project and find out that they have to move the well from the north west corner to the south west corner or someplace else because of the public asking the Board to look at this or that. They are not looking for concept approval tonight because the applicants know they have to provide a lot more information. Some will be coming on Friday. N. Querques states that he does not have any questions now, but he is interested in hearing what the Town engineer has to say. J. Sabanos states that he would like to see more information regarding the eco-pod system that is proposed. G. Yasenchak states that he believes it is in the packet that was provided. J. Sabanos asks if the frequency of F1 testing is in there as well. G. Yasenchak states that he is not sure. J. Sabanos asks C. Baker and that type of system has different criteria for the perk test verses a standard leach field system. He does not expect him to answer that immediately but it sparked the thought as it seems very different from a leach field system. (The perk test might be different a seeing things like glooming soils and things like.) C. Baker states it won't have anything to do with perk tests go. Since the system is projecting 1,500 gallons a day anything over 1,000 gallons a day requires DEC approval. DEC will be reviewing and the applicants will have to obtain a SPDES permit. The SPDES permit with this system will require effluent testing and a licensed operator over seeing this. He does not know if the applicants are aware of that but they might want to look into it. He is sure all that will get flushed out the more involved they get with DEC. J. Sabanos states that he would like to see the effluent testing requirements, the frequency of it and if it is required to be 3<sup>rd</sup> party. R. Roeckle states that he wants to clarify the eco-pod system that they are proposing is actually a system that is located within a concrete wall and is buried in the ground? G. Yasenchak states yes. R. Roeckle states that is what he thought but he wanted to make sure. He feels the Board's biggest concern would be the septic system, the concern with the surface water control and that is all going to be a DEC or DOH requirement. C. Baker agrees and states he has never seen this done before, he is familiar with the eco-pod systems and he has seen them in operation, but he has never seen the combination of storm water filtered that way. He is real curious to see how DEC approaches this. J. Condy states that they spoke to an engineer from DEC, J. Regthes, and she stated that this system is something that they have seen. R. Roeckle asks if the Board could see something in writing from DEC or would they prefer to wait until they have submitted their design. He feels the Board would feel more comfortable moving forward knowing it is a possibility with this system. C. Baker agrees and he is saying from the applicant's point of view as well. He would hate to see down the road that the applicants can't do it this way and have to change everything. It could affect their overall design, that is his concern. R. Roeckle states DEC may be happy with it the Board

does not know. C. Baker agrees and states this is not something done routinely. He thought in the packet there was an email from DEC. R. Roeckle states that the packet has a well location but not the infiltrators. C. Baker states that he apologizes he thought it was there. J. Condy asks if DEC is happy with it is it, safe to say the Board will be. J. Sabanos states absolutely not. G. Yasenchak asks if DEC is happy with the applicant's storm water and sanitary methodology, and that is reasonable. The Board is the final say but in general none of them are familiar with this process so the applicants are looking to DEC for an answer. C. Baker states being the Town engineer, if he gets correspondence from DEC stating that they have looked at this from the storm water management and the sanitary aspects and they are ok with it, that will satisfy him. R. Roeckle asks C. Baker if the eco-pod itself is a recognized system. C. Baker states correct. R. Roeckle asks if the infiltrator is a recognized system. C. Baker states correct. R. Roeckle asks that having the (storm water and the eco-pod system and the storm water) together is the issue that the Board is having. C. Baker states correct. If the Board reads the actual design that DEC publishes they specifically state that you have to maintain a 25% separation between sanitary sewer systems and storm water. Unless the Board can get some documentation from DEC that states they are willing to waive that with this type of system he is not comfortable, as the Boards Town Engineer, saying it is acceptable. R. Roeckle states that the discharge with the eco-pod system could be considered drinkable water. C. Baker states that it could be but if that is not maintained then you are dealing with a contaminated source. N. Querques states that it would be helpful in that correspondence if there was context around DEC seeing this being done on a footprint as opposed to something that is not as tight since the applicants are working in such a confined and constrained space. G. Yasenchak states that he feels that what they get back from DEC when they submit it is either a yes it is ok and here is why, or a no and there is what they have to change. K. Conway asks if it will be specific to this plan. G. Yasenchak states yes. R. Roeckle asks the Board how they feel about setting a public hearing or waiting to hear back from DEC? C. Dake states given the purpose of soliciting, he feels public hearing sooner is better and the Board time clock does not start until they close it. J. Sabanos states that the Board could keep it open through it. C. Baker agrees and states that the Board does not want to hold the applicants up but they want to make sure they flush out anything they can at this point and time. K. Conway states that they certainly sound like they want to be good neighbors. The Board sets a public hearing for March 10, 2020 at 7:00 p.m. R. Roeckle states that if they can get any information prior to or bring it to that meeting.

## **OLD BUSINESS & PUBLIC HEARING**

Provost, C. Case #634  
TM# 138.-1-42

Grange Road  
Minor Subdivision

Cecil Provost is present. T. Yasenchak states that the Board held a public hearing at their last meeting and closed it. C. Provost states that he adjusted all C. Baker's comments. The revised plans show just over an acre of disturbance. He does not feel that he will disturb what is shown on the map. He submitted the MS 4 electronically. C. Baker states that C. Provost made a copy of the storm water general permit which is what the Town' MS 4 are required to follow. In general, permits are several pages long and go into great detail as to what is required for storm water prevention plan, who is responsible for carrying out certain duties and it explains it all in detail. It's on the DEC website. He provides a couple samples to the Board. There are 2 tables. Table 1 is construction activities that require the SWPPP and the erosion and sediment control which is what the Board is looking at. C. Provost will be disturbing more than an acre but less than 5 acres. It requires a basic SWPPP and he is not required to do weekly inspections. He will need to file a Notice of Intent with DEC. What C. Provost is doing is he added silt fence to protect the wetlands in the back

of the property. He has added construction entrances. When they are building the property they install a strong tracking strip so that when the trucks go on and off the site they don't track dirt onto the roads. That is typically how it is handled. (With the basic SWPPP they are not required but will file a N.O.I to obtain coverage but they are not required to do weekly inspections.) That is a big distinction. They are required to file a N.O.I. to put NYS on notice that the applicant has a subdivision and he will be constructing these maps. Once it's done he will be filing a Notice of Determination and they will no longer have coverage under that permit. The second table requires a Full SWPPP and once the applicant is 95% complete in construction they can file to close the N.O.I. permit and the coverage stops. A good example is the Goose Hollow subdivision that the Board approved. The total disturbance will be well over 5 acres so they are required to do a Full SWPPP which requires all the weekly inspections, the reporting, the filing of the N.O.I, coverage on the permit. Single family residential subdivision soil disturbances of less than 5 acres are part of a larger timing plan of development. That is the key with the major subdivision. There are a number of lots being disturbed over a period of time. Hopefully the 2 tables will help the Board see the distinction between the 2 types of SWPPP's that the Board will be looking at in the Town of Greenfield. Table number 1 is probably more common. T. Yasenchak states that she feels it is very helpful. C. Provost has provided the SWPPP acceptance plan and will discuss this with Justin Burwell, Highway Superintendent. He is the person for the Town of Greenfield that signs off on it. R. Roeckle asks how the Board will deal with SEQRA. It was done on the previous approval for the 3 lot subdivision. He asks if the Board needs to re-open SEQRA. The Board agrees to re-open SEQRA and reviews it.

**Resolution- Cecil Provost, SEQRA**

MOTION: Roeckle

SECOND: Gyarmathy

RESOLVED, that the Planning Board completes Part II of the Short Form SEQRA. All questions answered "no" and the second box is checked, indicating that this will not result in any significant negative environmental impacts for the Minor Subdivision of Cecil Provost for property located at 55 Grange Road, TM# 138.-1-42.

**VOTE:** Ayes: Conway, Dake, Gyarmathy, Sabanos, Roeckle, Querques, and Yasenchak

Noes: None

Absent: None

Abstain: Duffney

**Resolution- Cecil Provost, Minor Subdivision**

MOTION: Dake

SECOND: Conway

RESOLVED, that the Town of Greenfield hereby grants a Minor Subdivision for Cecil Provost property located at 55 Grange Road, TM# 138.-1-42 the Board reviewed SEQRA and waives the public hearing.

**VOTE:** Ayes: Conway, Dake, Gyarmathy, Sabanos, Roeckle, Querques, and Yasenchak

Noes: None

Absent: None

Abstain: Duffney

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Stewart's Shop's Case #636  
164.1-44

461 Rt. 9N TM#  
Site Plan Review

Chuck Marshall, and Jim Norton and Jamie Easton are present for the applicant. C. Dake recuses himself. T. Yasenchak states that at the last meeting the Board tabled the public hearing and they will re-open the public hearing tonight. C. Marshall states that there was some submission regarding noise and SEQRA at the last meeting. Because the applicants had previously gotten an acoustic professional involved during the original application and they had a supplement with guidelines drawn up by him and they adhere to the SEQRA guidelines and what they were. (There is date on there have not made modifications since 1994 constructed.) That really is 2005. T. Yasenchak asks if the letter is the acoustic professionals, acknowledges that this is a modification for this application to the previously approved site plan. C. Marshall states he believes in November they submitted a letter. Somewhere during the public hearings someone submitted concerns regarding SEQRA and he wants to make sure that the concerns were addressed. They are not professionals regarding noise and they got a consultant. For the record they acknowledge those concerns. It basically states that the DEC standard for noise is 6 decibels because 3 decibels can't be heard by the human ear. They don't anticipate that type of impact because of the mitigation already proposed. They have already established baselines; they previously agreed to mitigation should it meet that threshold. He wanted to acknowledge the receipt and submit it. T. Yasenchak states this is part of the existing approved site plan and there is a condition that the sound would be reviewed after construction was complete. That report will be submitted back to the Board and if something needed to be mitigated at that point. C. Baker suggests T. Yasenchak make a note on the letter the changes on the letter. The Board re-opens the public hearing at 8:08 p.m. Jim Van Dyck, Daniels Road submits a letter from K. Wadsworth with her concerns and states that his concerns with the noise and asks if the Board would adjourn the public hearing. T. Yasenchak states K. Wadsworth submitted 2 letters; 1 dated February 24, 2020 and 1 dated February 25, 2020. Paul Bouchard, Denton Road, states his concern is corporate ethics. T. Yasenchak asks if the Board would like to adjourn the public hearing or close it. J. Sabanos suggests adjourning the public hearing. N. Querques states that he feels closing the public hearing but has some questions for the applicant's representative. (T. Yasenchak asks N. Querques is there questions that may or may not.) T. Yasenchak states that the Board adjourns the public hearing at 8:16 p.m. N. Querques asks if the applicant intends to drive trucks on the back side of the north of the building. C. Marshall states yes. N. Querques states that he has a hard time believing that rolling trucks through there that is not going to exceed this 3-6 level decibel. It is definitely going to be heard by the neighbors. The letter is fine. If they will be rolling trucks it will be noisier. C. Marshall states they roll through there now. He is not sure the base of the road and to the top of the berm it's approximately 12'. The trucks will sit under where the receptors are for the noise. Part of the original SEQRA determination in March of 2019, the applicant is responsible for mitigating to the 6 decibels. (Should 6 decibels) increases be seen at the selected sites where noise was monitored, they will be responsible to that measure. Should an increase to 6 decibels be seen. The levels that are in their report for industrial sources meet the standards per DEC. DEC only has a guidance manual on noise impact. There is no state wide law or adopted code. They have agreed to mitigate. N. Querques states that he would encourage Stewart's to go above and beyond what the minimum requirements are to be a good neighbor. Who is monitoring in terms of governing or having control over this, is it Stewart's? C. Marshall states he does not believe J. Sabanos and N. Querques were not on the Board when this project was previously approved. Stewart's did a noise investigation and this Board determined that the noise investigation was not objective enough. They were required to go out and find a third party consultant that was an expert in noise sampling. C. Marshall states that they provided the Ousterguard Acoustic's report. That report lead to the SEQRA determination by this Board. That SEQRA

determination requires that Stewart's Shop's, after constructing the facility, have 60 or 90 days to submit another round of noise sampling. That noise sampling will then generate if they have to do any mitigation to the 6 decibel guideline. The applicant won't get the Certificate of Occupancy until those measures are satisfied. There is no way to say where exactly the noise is coming from. For example, if the roof top condenser proposed to go on an existing roof that is 5' lower than the proposed roof of the deli cooler. The deli cooler is effectively a shield to (in the noise world) is called a sensory receptor. The sensory receptor is also on the eastern side of the berm. There is quite a bit of travel for the noise before it hits the receptor. Between the measures and the road and the berm they do feel that they will maintain the current noise and not add additional noise to the current noise, N. Querques states that he encourages Stewart's Shop's to find other options to mitigate in addition to whatever berm. Identify other options to help mitigate noise whether it's fencing, vegetation and go over and above to try to mitigate this. C. Marshall states that he does not want the Board to think that they are not acknowledging it. They have proposed individual surrounds for the condenser units and lining them. They are not on the plan today but they will be on the plan going forward. N. Querques states for any truck traffic that is going to be there because it is bigger footprint. C. Marshall states N. Querques and J. Sabanos were not on the Board at the time of the original approval, one of the things the applicants did do is they installed sound specific back up alarms for their trucks. J. Sabanos states that he appreciates the explanation but is there any long term for it. C. Marshall states that what the applicants did do was submit a F.O.I.L request for any noise complaints since it was constructed in 1994 and there have not been any filed. If there were a series of noise complaints (then that there is an excessive) that increased the 6 decibels at that point they would be forced to mitigate. He states that there is no good way to say this and they are not looking to take a shot at the Town of Greenfield but if the Board looks at other industrial areas they are typically not immediately buffered or bordered by residential. This is a unique situation. Other areas have industrial, commercial, and residential. Here it is an immediate buffer adjacent to residential. J. Sabanos asks to answer his question C. Marshall's answer is no. T. Yasenchak states that the Town does not have a sound ordinance. J. Sabanos states that as the Planning Board they are just trying to address it and they are talking about long term situations. C. Marshall states that he can honestly say that the applicant has said no. For instance someone stated their appearance just off Denton Road, those things will be addressed this year. The plant is not going anywhere and neither is the Town. At this point the applicant feels they have gone above and beyond to address what is still unknown. If something changes they will address. T. Yasenchak states that because Stewart's Plant has an approved site plan for the addition to the warehouse and for an addition that is larger than they are proposing as far as disturbance and the size of the building all together. M. Waldron states that the Town does have a noise ordinance, it is for construction and nuisance. T. Yasenchak states that if there was a complaint it would go through the Code Enforcement Officer. C. Marshall states that he does not want a violation for not addressing something, to date there is nothing to address. T. Yasenchak states that as far as SEQRA the Board did have a negative declaration for the existing approved site plan. The Board is reviewing a modification to that site plan which has a small warehouse addition. The building as a whole she believes is less than the larger. C. Marshall states this is approximately 1,200 square feet less. Less of the embankment was being disturbed. T. Yasenchak asks as a Board how do they feel about reviewing SEQRA because it is less of a disturbance than the impacts the Board reviewed for SEQRA. C. Baker suggests before getting into anything with SEQRA decide whether or not to close a public hearing. R. Roeckle states that it may or may not be a smaller impact, but the mitigation has already been approved. He does not see any changes and feels no need to re-address the SEQRA. R. Roeckle states that in their training classes it was stated that there is no requirement to have a public hearing prior to reviewing SEQRA. T. Yasenchak agrees. K. Conway suggests that the Board re-opens the public hearing then closes it. T. Yasenchak re-opens the public hearing. J. Van Dyck states that C. Marshall stated that Greenfield has no noise ordinance and it is really not relevant to SEQRA. Whether Greenfield has a noise ordinance or not, it doesn't matter. He asks when will the chillers and the enclosures be added to the

plans. The Board closes the public hearing at 8:34 p.m. The Board agrees that they don't need to re-review SEQRA because of the mitigation put in place. T. Yasenchak states there will also be mitigation inside the enclosures for the condensers. C. Marshall states that the enclosure itself will be lined on the inside versus adding something to it. C. Baker asks if C. Marshall is referring to the existing ones or something proposed. C. Marshall states correct. T. Yasenchak asks if they will have the silt fencing and the sound dampening inside the units. C. Marshall states correct. M. Gyarmathy agrees with R. Roeckle. K. Conway also agrees with R. Roeckle. T. Yasenchak states she believes that the plans that were submitted have mitigation measures. The applicant added the fencing around the condensers and now is adding the lining to them as well. She feels it is not more of an impact. She is comfortable with not reviewing SEQRA. She states while talking to Town Counsel the Board can talk about it but does not need to re-review SEQRA to make a determination. Also the Board does not need to make a motion on that. Last time this was reviewed and the Board made a determination on this project, the Board had Town Counsel review the motion. The Board has an opportunity to have 2 motions written and of different outcomes. The Board can do that at the next meeting. This project has been litigated and upheld. Going forward she feels it would be best to have all the items written out. J. Sabanos states that the Board does owe it to the constituents and is asking for it in writing and they should wait to make any motions to pass this project. N. Querques states that he was not present for the original approval, he does not see what the problem is if the Board requests additional sound buffering on the north of the property and parking lot. He is not sure if the Board can do it, process wise. He does not see the harm with requiring or recommending the applicant to provide additional sound deadening on that berm or in the vegetation to the north. In terms of far exceeding the minimum they seem to be meeting now. Can someone tell him if this is not the right process for this? T. Yasenchak states that it is more of a Town Counsel process. Right now they are looking at a modification of a previously approved application. T. Yasenchak states the Board can discuss this further mitigation than what was approved on the existing plan and they can start construction on tomorrow. It gets difficult to require something that has already been approved. C. Baker states that he suggests obtaining a copy of the Ostergard sound study that was done last. They might then get a better feeling as to what went into the determination the last time around. They might find it helpful. N. Querques states understood and he will but he would be remised if he didn't state his feedback. C. Baker states that was the grounds getting to where they were at. R. Roeckle states that the new Board members should receive a copy of the motion and the approvals and the sound study that was completed. C. Marshall states that he did submit that as part of the initial plan. T. Yasenchak states that items that were drafted wasn't conditional approval or mitigated approval. Those items were mitigated as part of the plan package. Those were also outlined in the approval and none of them have changed. The lighting has also changed. M. Gyarmathy asks the secretary to provide the new members with the sound study and the original approval. M. Gyarmathy asks if the Board is going to have Town Counsel write a draft. T. Yasenchak states that they can't do it as a quorum. Individual Board members can draft options for a motion. They could draft 2 motions, not voting on 2, chose 1 to be approved. K. Conway agrees with that plan. C. Marshall asks if the applicants are able to file a N.O.I. C. Baker states no, not until the Board takes action and approves this project. C, Marshall states that he is not going to submit a full set of plans. He will modify that and get it in by March 6, 2020.

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## **ZBA REFERAL**

Ford, P. & L'Heureux, K Case #637  
TM# 153.13-1-4

Maple Ave.  
Area Variance

C. Dake re-joins the Board. Corinna Martino is present for the applicant's. The ZBA has asked for a referral for an advisory opinion from the planning Board. The Board will just discuss the application and any Planning issues that may or may not be for-seen. This project will need to come back in front of the Planning Board for Site Plan Review. If something comes up during their discussion that would preclude this project, it would be best to know now rather than later. C. Martino states that the property is located at 499 Maple Ave. It is on the corner of Maple Ave. and Brower Dr. It is in the Office/Residential Zoning District. Currently it is a 2 family structure and they are proposing a mixed use. If they are successful with the ZBA they will be coming back to the Planning Board. The mixed use is a medical office on the first floor, a single family residence on the second floor and is not proposing any changes to the footprint of the structure. The small shed that on encroaches the vacant property to the home is to be removed. The proposed practice will accommodate 2 medical professionals, 1 secretary and a part time employees. Each medical professional's hours are 9:00-6:00. Typically 18 appointments a day total. Three variances are requested: lot size as they are required to have 2 acres and they have .68; a front yard setback as 45' is required and they have 33.8; a rear yard setback as 15' is required and they have 6.7'. She believes ZBA is looking for is input on the other site improvements parking: they are proposing 8 parking stalls; they are proposing changes to the curb cuts onto the existing streets of a one way in off of Route 9 and one way out on to Brower Drive ( Parking along the side.) In addition to any referral the Board can make tonight, if they can make any comments that the Board would want to see for their Site Plan application which would save the Board's time and to make a complete application when and if they get to the Planning Board. T. Yasenchak states that because it is a ZBA referral she asks M. Waldron for any input. M. Waldron states nothing other than the Zoning regulations and the 1 way driveway parking regulations. There is a little bit of traffic there. C. Baker asks the origin of the property lines is it an actual survey. C. Martino states yes. C. Baker is wondering where the well is. C. Martino states that the survey was done with all the snow there so they have not found it yet. C. Baker states in that area there are a lot of shallow wells. Sometimes they are located in the houses themselves. They will want to see a bacteria test on that before they can move forward. T. Yasenchak asks C. Baker how does the well and septic distance play out with something that is an existing verses new. C. Baker states that is why the Board needs to see it before they make any determination. If it is within 100' it would not be uncommon for that area. Sometimes in the past the Board has required yearly bacteria testing. T. Yasenchak asks on septic systems is it a different use from a single family residence. C. Baker states that in C. Martino's description she addressed that. C. Martino states that they are anticipating a small reduction. They have about 117 gallons a day to go from office to residential. T. Yasenchak states that the difference between the medical doctors or is it office space. C. Martino states the way she calculated it is 15 gallons a day per office per employee and 5 gallons a day per patient that comes in. The DEC regulations don't actually have this type of medical office. That type she believes is 250 gallons per day. Which is high if the Board looks at Vermont regulations. They specifically state 13 gallons a day per employee and 3 gallons a day per client. The 5 gallons a day is not actually out of the DEC regulations. That is an engineering judgement. T. Yasenchak states there may be a different definition of office verses medical to help the applicants out because 50 gallons per day per doctor adds up. C. Baker states this is not a doctor's office per-say. C. Martino states correct. They will not be performing procedures in the office. T. Yasenchak states it may just be a change in the verbiage. C. Martino states that maybe she should be using a different definition than a medical office. T. Yasenchak states possibly use professional office. M. Waldron states he thinks office would be best. T. Yasenchak states that it does apply but when you get into the engineering there is a difference. The Town has requirements for buffers. It does seem there are a lot of trees around. The Board will need to see that addressed some way. She asks if there is a residence on both sides. C. Martino states there to the south there is a single family residence and to the north are the school's property and it is recreational. T. Yasenchak asks if there will be any signage. C. Martino states one way and handicapped signs. C. Baker asks if this office is a therapist office. C. Martino states correct. C. Baker asks that there won't be any procedures performed in the

office. C. Martino states correct. She asks if there is a better definition she should be using. M. Waldron states the use table should be the way to go. T. Yasenchak asks C. Baker if the Board needs anything from DOT. C. Baker states the applicant will need to go to DOT. T. Yasenchak asks if the swimming pool will remain or be removed. C. Martino states that the pool will be removed. R. Roeckle asks M. Waldron if this property has 2 frontages. M. Waldron states that he is still investigating that. He believes right now Route 9 will be the frontage. R. Roeckle states his concern is with the Variance. If the frontage is on Brower Drive there are totally different dimension required. M. Waldron states that determination is yet to be made. T. Yasenchak states that it does and reads the code. C. Dake states his lot is the same 2 sides 1 front and no back. R. Roeckle states that the ZBA needs to be specific. T. Yasenchak agrees. K. Conway asks if the garage is staying. C. Martino states yes the shed is being removed. R. Roeckle asks if the garage will be used for storage. C. Martino states yes, for medical supplies and lawn equipment. M. Waldron states that the ZBA received the County referral. T. Yasenchak states that the well needs to be located and verified. The Board would like a written determination for the setbacks. C. Martino asks if the Board will be looking for a traffic study. C. Baker states he does not feel 18 patients a day is going to make any kind of impact to warrant a traffic study. It will need to be referred to DOT.

## **DISCUSSION**

The Board discusses the Saratoga County Planning and Zoning Conference that most of them attended the beginning of February.

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Meeting adjourned at 9:32 p.m. All members in favor.

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Respectfully submitted by,

Kimberley McMahon  
Planning Board Secretary